IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

MFA.No. 107 of 2001

W.C.C.NO.11/1994 OF WORKMEN COMPENSATION COURT, ERNAKULAM.
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PETITIONER/APPLICANT:

JOSE DEVASIKUTTY, AGED 27 YEARS,
S/O. DEVASIKUTTY, ULLATTIL HOUSE,
NAYARAMBALAM.P.O.,
KOCHI TALUK.

BY ADV. SRI.A.X.VARGHESE.

RESPONDENTS/OPPOSITE PARTIES:
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1. **DEPUTY LABOUR COMMISSIONER,**
   COURT OF THE COMMISSIONER FOR WORKMENS
   COMPENSATION, KAKKANADU.

2. **J. KESAVAN, S/O. PAPPU,**
   PUTHALATH HOUSE, NAYARAMBALAM.P.O.,
   KOCHI TALUK.

BY GOVERNMENT PLEADER SRI. NOBLE MATHEW.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 11/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.107 OF 2001 &
C.M.P.No.976 of 2001

Dated 11th June, 2007

JUDGMENT

Koshy,J.

Notice was ordered in the delay condonation petition on 1.10.2002. Notice to respondent No.2 returned unserved stating `expired' and no steps were taken. Since legal representatives were not impleaded, an order was passed by another Division Bench of this court on 23.3.2007 which reads as follows:

> "R2 not served. He has already expired and no steps are taken for impleadment of the LRs. Unless steps are taken within a period of one week, appeal will stand dismissed."

Impleading petition is not filed so far and no review petition for reviewing the order is also filed. In the above circumstances, the delay condonation petition and appeal are dismissed as abated.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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